

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN LEE McCULLOM,  
  
Plaintiff,  
  
v.  
  
PATRICK WITHROW, *et al.*,  
  
Defendants.

Case No. 2:21-cv-00378-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE AND FAILURE  
TO STATE A CLAIM

RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On June 12, 2022, I screened plaintiff's complaint, notified him that it did not state cognizable claims, and gave him thirty days to file an amended complaint. ECF No. 7.<sup>1</sup> I also ordered plaintiff to submit, within thirty days, either the \$402 filing fee or a complete application for leave to proceed *in forma pauperis*. *Id.* To date, plaintiff has not complied with that order.

To manage its docket effectively, the court requires litigants to meet certain deadlines. The court may impose sanctions, including dismissing a case, for failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer

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<sup>1</sup> Although it appears from the file that plaintiff's copy of the June 12, 2022 order was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291  
2 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

3 Plaintiff will be given a chance to explain why the court should not dismiss the case for  
4 his failure to file an amended complaint and for his failure to either pay the filing fee or submit an  
5 application for leave to proceed *in forma pauperis*. Plaintiff's failure to respond to this order will  
6 constitute a failure to comply with a court order and will result in a recommendation that this  
7 action be dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why  
8 this case should not be dismissed for failure to prosecute and failure to state a claim. Should  
9 plaintiff wish to continue with this lawsuit, he shall file, within twenty-one days, an amended  
10 complaint and either pay the \$402 filing fee or submit a complete application for leave to proceed  
11 *in forma pauperis*. The Clerk of Court is directed to send to plaintiff the court's form application  
12 for leave to proceed *in forma pauperis*.

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14 IT IS SO ORDERED.

15 Dated: August 22, 2022

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17 JEREMY D. PETERSON  
18 UNITED STATES MAGISTRATE JUDGE  
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